thereof. See *Ellis* v. *Selby*, 1 Myl. & Cr. 286, 299. And certainly the fulfilment of the intent of the testator is the final aim of the construction of a will. See *Davison* v. *Wyman*, 214 Mass. 192, 194, 100 N. E. 1105, 1106. Yet the decision in the principal case is opposed to a long line of cases construing similar provisions. Thus courts quite uniformly have held that the use of the words "on trust" in itself sufficiently establishes an intent to create a trust. *Buckle* v. *Bristow*, 10 Jur. N. S. 1095; *Yeap Cheah Neo* v. *Ong Cheng Neo*, L. R. 6 P. C. 381; *Haskell* v. *Staples*, 100 Atl. 148 (Me.). Similarly when property is left to a legatee designated by the name of executor or trustee, "to be disposed of as he thinks best," or words of similar effect, it is generally held that the executor or trustee does not take beneficially. *Ellis* v. *Selby*, 1 Myl. & Cr. 286; *Fowler* v. *Garlike*, 1 Russ. & M. 232; *Vezey* v. *Jamson*, 1 Sim. & S. 69; *Balfe* v. *Halpenny*, [1904] 1 I. R. 486. If in addition to the phrase "on trust," or the description as "trustee," a separate legacy is given to the donee, courts consider the evidence practically conclusive of an intent to create a trust. *Davison* v. *Wyman*, 214 Mass. 192, 100 N. E. 1105; *Haskell* v. *Staples*, *supra; Balfe* v. *Halpenny*, *supra*. *Contra*, *Gibbs* v. *Rumsey*, 2 V. & B. 294; *Ralston* v. *Telfair*, 17 N. C. 255. In all of the later cases the courts profess to be carrying out the intent of the testator. In fact, however, set judicial construction of these oft-recurring phrases have developed in some courts and find their way into the later decisions. The result is that dispositions like that in the principal case are unnecessarily thrust within the rule of *Morice* v. *The Bishop of Durham;* the intended trust fails for indefiniteness and the intent of the testator is completely and needlessly thwarted. The principal case, therefore, is notable for its freedom from the constraint of decisions resting on the technicality of an earlier day, and for the intentional avoidance by the court of the unsatisfactory doctrine of *Morice* v. *The Bishop of Durham*. See J. B. Ames, "The Failure of the Tilden Trust," 5 HARV. L. REV. 389; A. W. Scott, "Control of Property by the Dead," 56 U. of Pa. L. REV. 527, 538, et seq.

BOOK REVIEWS

THE LAW OF CONVERSION. By Renzo D. Bowers. Boston: Little, Brown, and Company. 1917. pp. lx, 583.

Mr. Bowers, it would seem, has attempted the impossible. A satisfactory treatise on that peculiarily English development, the law governing liability for conversion of chattels, cannot be written without reference to the English cases. The author, it is true, has not attempted to treat the subject historically. His aim is to produce a practical American law book. Somewhere between its covers there are cited a large number (more than 6000, the author tells us) of the American cases relating to its subject matter; and very many of these cases are summarized; and copious extracts from many opinions are given. One may, by the use of a rather comprehensive index or of the table of contents, find cases on most of the specific questions relating to conversion on which the courts of this country have had occasion to pass. It is, in this sense, a practical American law book. But there is little or no analysis of the principles underlying the subject. Why is it that one man may force another who has intermeddled with his property to buy it? How far is the law of conversion a matter of procedure, and how far of substantive law? On these matters the book throws little light. The author simply tells us that, "it is said," thus and so, and that, "on the other hand it is said," contrariwise. Do not the encyclopedias and digests do as much? AUSTIN W. SCOTT.